

FISCAL MEMORANDUM

SB 202 – HB 729

June 5, 2007

SUMMARY OF AMENDMENT (009887): Deletes original bill in its entirety. Restates in more detail the existing requirement that the Department of Labor and Workforce Development (DOLWFD) revoke the licensure of any person employing illegal aliens. States that the Department shall investigate and issue determinations on complaints made by state and local agencies and employees concerning the immigration status of workers in Tennessee. Requires Commissioner of DOLWFD to conduct contested case hearing pursuant to the Uniform Administrative Procedures Act only after finding clear and convincing evidence of a violation. License of such person is suspended for first violation of the provisions of this bill until it is shown that such person is no longer in violation. Second violation occurring within three years, license is suspended for one year. For third or subsequent violation occurring within three years, license is revoked and person is barred forever from doing business in this state. Requires the Department to enforce the provisions of this bill and authorizes enforcement by local law enforcement agencies. Only accredited local law enforcement agencies with a memorandum of understanding by the appropriate county and the U.S. Department of Homeland Security concerning the enforcement of federal immigration laws can enforce these provisions. One officer per law enforcement agency shall be trained pursuant to the memorandum of understanding and the funding for such training will be provided pursuant to the federal Homeland Security Appropriation Act of 2006, Public Law 109-90.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Increase Local Govt. Expenditures – Not Significant

Assumptions applied to amendment:

- DOLWFD is currently required to revoke the license of persons employing illegal aliens, Tenn. Code Ann. § 50-1-103, but, according to the Department, is not carrying out this responsibility. The cost of bringing DOLWFD into compliance with current law is not a cost

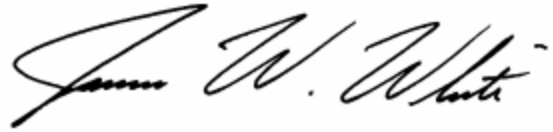
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attributable to this bill as amended. See Opinion of the Attorney General No. 07-79 (May 23, 2007) (state licensure laws are not preempted by 8 U.S.C. § 1324a(b)(2)).

- Any increase in local government expenditures to suspend or revoke a business license for violations of this bill is estimated to be not significant.
- Under Section 287(G) of the Immigration and Nationality Act, the U.S. Immigration and Customs Enforcement (ICE) currently provides individual local or state law enforcement agencies or government departments training related to immigration offenders. The costs of the five-week training sessions are paid by the U.S. Department of Homeland Security. No cost to state or local governments.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director

/LSC